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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/423,911	02/28/00	FINCK	R 3245-704PUS

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IM22/0810

EXAMINER
COMBS, J

ART UNIT	PAPER NUMBER
1742	9

DATE MAILED: 08/10/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/423,911	FINCK ET AL.
	Examiner	Art Unit
	Janelle Combs-Morillo	1742

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 04 June 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 5-8 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 5-8 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
2. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daly et al.

Daly et al teaches a process for producing aluminum strip comprising the steps of: hot rolling an aluminum strip in a single stand reversible hot mill (column 3 lines 23-24) while minimizing recrystallization (column 3 lines 36-37), coiling, and annealing in a furnace at 315-399°C (column 3 lines 35, 49-50), which overlaps the presently claimed annealing temperature range. The hot roll exit temperature is 249-405°C, which overlaps the presently claimed hot roll exit temperature range.

Daly et al does not teach a roughing stage to form a strip. However, the examiner asserts that the presently claimed roughing step is included in the step as taught by Daly et al of hot rolling an aluminum strip in a single stand reversible hot mill (column 3 lines 23-24). Daly et al does not specify that the last three hot rolling passes are carried out without recrystallization. However, because Daly et al teaches that “the hot mill schedule is such that recrystallization in the hot mill is minimized or reduced” (Daly column 3 lines 36-37), it would have been within the level of one of ordinary skill in the art to carry out the last three hot rolling passes without recrystallization. Because Daly teaches a process of hot rolling aluminum into a strip with a finishing temperature that overlaps the presently claimed range, followed by coiling said strip,

and annealing at temperatures that overlap the presently claimed range, Daly et al is held to create a *prima facie* case of obviousness of the presently claimed invention.

3. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daly et al in view of Lex.

Daly et al teaches an apparatus for hot rolling aluminum comprising: a means for reversing rough rolling (Fig. 1B), a means for finish rolling, said means including a four high reversing roll stand with winding devices on each side (Fig. 1D), a means for transferring said coil to a furnace (column 3 lines 48-49), and a heat treating means (Fig. 1C).

Daly et al does not teach said heat treating means is a pusher type furnace with a pallet transport system. However, Lex teaches that it is common to use pusher type furnaces when annealing in similar rolling mill trains (column 1 lines 13-16). Daly et al does not teach that one of the winding devices corresponds to the transporting means from the coiler to the furnace. However, because Daly et al teaches a coiling means and a transporting means from the coiler to the furnace, it is held to be within the level of one of ordinary skill in the art for one of the winding devices to correspond with the transporting means, as presently claimed. Because Lex teaches that pusher type furnaces are commonly used in rolling mill trains, it would have been obvious to one of ordinary skill in the art to use a pusher type furnace for a heating means, in the apparatus as taught by Daly et al.

*Response to Arguments/Amendment*

4. In the response filed on June 4, 2001, applicant amended claims 5 and 7. The rejections over 112 second paragraph have been overcome by the present amendment. Applicant's argument that the present invention is allowable over Daly et al because "the desired

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minimization or reduction in recrystallization is virtually unattainable" (arguments page 4 lines 19-20), has not been found persuasive. Daly teaches a hot rolling exit temperature range (249-405°C) that overlaps the presently claimed range of 260-280°C, and applicant has not shown specific unexpected results with regard to the presently claimed narrow range. Applicant's argument that "there is absolutely no teaching by Daly, et al. of coiling the strip after the hot rolling and then feeding the coils into a furnace for heat treating the finished coils to a recrystallization temperature of 315°C to 320°C" (arguments, page 5 lines 4-6), has not been found persuasive. In column 3 lines 35, 49-50, Daly teaches coiling after hot rolling followed by annealing in a furnace at 315-399°C.

### ***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle Combs-Morillo whose telephone number is (703) 308-4757. The examiner can normally be reached on 7:30 am- 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King can be reached on (703) 308-1146. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7719 for regular communications and (703) 305-7719 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

jcm *JM*  
August 6, 2001

*George Wyszomierski*  
GEORGE WYSZOMIERSKI  
PRIMARY EXAMINER